2nd Election District

* BEFORE THE

- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- 2nd Councilmanic District * Case No. 93-81-A

Edward Wright, et ux Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * * *

This matter comes before the Zoning Commissioner as a Petition for Zoning Variance filed by the legal owners of the subject property, Edward and Ceola Wright. The Petitioners request relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing accessory structure (detached carport) to be located in the side yard in lieu of the required rear yard in accordance with Petitioner's Exhibit 1.

Appearing on behalf of the Petition was Edward Wright, property owner. There were no Protestants.

Testimony indicated that the subject property, known as 5429 Gradin Avenue, consists of 6,325 sq.ft., zoned D.R. 5.5 and is improved with a single family dwelling and detached carport. The instant Petition was filed as a result of a zoning violation notice received for the subject carport. Edward Wright testified that he constructed the carport in the side yard of the subject property approximately 10 years ago to provide off-street parking as well as protection for his vehicles from inclement weather. Mr. Wright testified that there had been numerous automobile thefts and acts of vandalism in his neighborhood which had convinced him of the necessity for a carport. Unfortunately for the Petitioner, at the time the carport was constructed, it was not attached to the dwelling.

Thus, it is considered a free-standing, or accessory, structure and as such, must be located in the rear yard, pursuant to Section 400.1 of the B.C.Z.R. Although the structure has been in place for many years, the zoning violation notice was issued as a result of a routine inspection in the area.

Mr. Wright testified that practical difficulty and unreasonable hardship would result if he were required to relocate the subject carport. He noted that this carport, which has existed for many years without prior complaint, is not detrimental to the neighborhood, and is located on the lot in such a manner that it is in alignment with the existing driveway.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

- 2-

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of October, 1992 that the Petition for Zoning Variance requesting relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing accessory structure (detached carport) to be located in the side yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

> 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

> > Zoning Commissioner for Baltimore County

SER RECEIVED FOR FILING

LES:bjs

- 3-

ORDER RECEIVED FOR FILING
Date
//////

Petition for Variance
to the Zoning Commission of the Zoning Commission for the property located at 5429 Gradia Avenue

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1 To allow an accessory structure (detached carport) to be located in the

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship of

side yard in lieu of the required rear yard.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

		-	ESTIMATED LENGTH OF HEATING unovalidate for H	<i></i>
V	State	Zipcode	Address OFFICE USE O	Phone N
Idrees	Phone I	No.	Name	
			to be contacted.	
gnature			City Name, Address and phone number of legal owner.	State , contract purchaser
			Battimore 10	212
ype or Print Name)			Address	Phone I
omey for Petitioner:			5429 Gredia Ave	
y	State	Zipcode	Signature	7
			& Ceola W	right
dress	·		Coole Wright (Type or Print Name)	
•				
aneture	<u> </u>		Edward Wrigh	U
(pe or Print Name)			(Type or Print Name)	1
			Shard Wright	
ontract Purchaser/Lessee:			Legal Owner(s):	
			VWe do solemnly declare and affirm, under the p legal owner(s) of the property which is the subject	of this Petition.

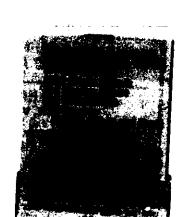
ECEIVED FOR FILING

93-81-A

Beginning at a point on the West side of Gradin Ave., 50 pt wide, 176, 45 Southeast of Flannery Lane, Being Lot No. 33, Sect. D in the Subdivision of Gwynn Oak Summit containing . 145 ac. t. Also Known as 5429 Gradin Are. and located in the 2nd Election District.

Positioner: Edward + Coola Wright Location of property: W/S Grading Hru, 176' SE Flammary Long Location of Signe Facing roodway on proporty to be to not

CERTIFICATE OF PUBLICATION



THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of

62.62

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

Mr. & Mrs. Edward Wright 5429 Gradin Avenue Baltimore, Maryland 21207

RE: PETITION FOR ZONING VARIANCE W/S Gradin Avenue, 176' SE of Flannery Lane (5429 Gradin Avenue) 2nd Election District - 2nd Councilmanic District Edward Wright, et ux - Petitioners Case No. 93-81-A

Dear Mr. & Mrs. Wright:

LES:bis

cc: People's Counsel

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

Baltimore Count, Government

Zoning Commissioner

October 20, 1992

Office of Planning and Zoning

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3351.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

receipt Zoning Commissiones
County Office Building
111 West Chesapeake Avenue hand written receipt dated 8/20/92 H9300081 PUBLIC HEARING FEES 010 -ZONING VARIANCE (IRL LAST NAME OF OWNER: WRIGHT Please Make Checks Payable To: Baltimore Count recei Zoning Commisioner County Office Building 111 West Chesapeake Avenue Date 3-20-92 Mr. E Mrs. Edward Winghit. Rusidential Variance tiling the

Please Make Checks Payanti To Tists him County

111 West Chesapeake Avenue Towson, MD 21204 DATE: /0 . C . 9 -Beltimore, Heryland 21207

Edward and Cools Wright 5429 Gradin Avenue

Dear Petitioner(s):

property and hearing date.

CASE HUMBER: 93-81-A (Item 81) W/S Gradin Avenue, 176' SE of Flannery Lane 5429 Gradin avenue 2nd Election District - 2nd Councilmenic Petitioner(s): Edward Wright and Cools Wright HEARING: WEDNESDAY, OCTOBER 14, 1992 at 10:00 a.m. in Rm. 118, Old Courthouse.

Please be advised that \$ 62.62 is due for advertising and posting of the above captioned

Baltimore County Government
Office of Zoning Administration

and Development Management Office of Planning & Zoning

THIS FEE MOST BE PAID AND THE ZONTING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Touson, Haryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

Baltimore County Government
Office of Zoning Administration and Development Management Office of Planning & Zoning

Zoning Administration &

Development Management
111 West Chesapeake Avenue
Tonsen, Maryland 21204

white house

the search of th

Company of the Compan

· Sent Andrew Andrew Andrew State Control of Andrew Artiful (1985) (1985) (1985) (1985) (1985) (1985)

(410) 887-3353

31 700a126

11 101

04A04#0063MICHRC

THE STATE OF THE S

Please Make Checks Payable To: Baltimore County

Your petition has been received and accepted for filing this 25th day of August, 1992

Zoning Plans Advisory Committee

Petitioner: Edward Wright, et al Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 11, 1992 Zoning Administration and Development Management FROM Robert W. Bowling, P.E., Chief Developers Engineering Division

Zoning Advisory Committee Meeting for September 14, 1992 Item No. 81

The Developers Engineering Division has reviewed the subject zoning item. We recommend providing a fence for the impacted area. See the attached specification.

RWB: DAK:s Encl.

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204 SEPTEMBER 14, 1992

(410) 887-3353

(410) 887-3353

NOTICE OF HEARING

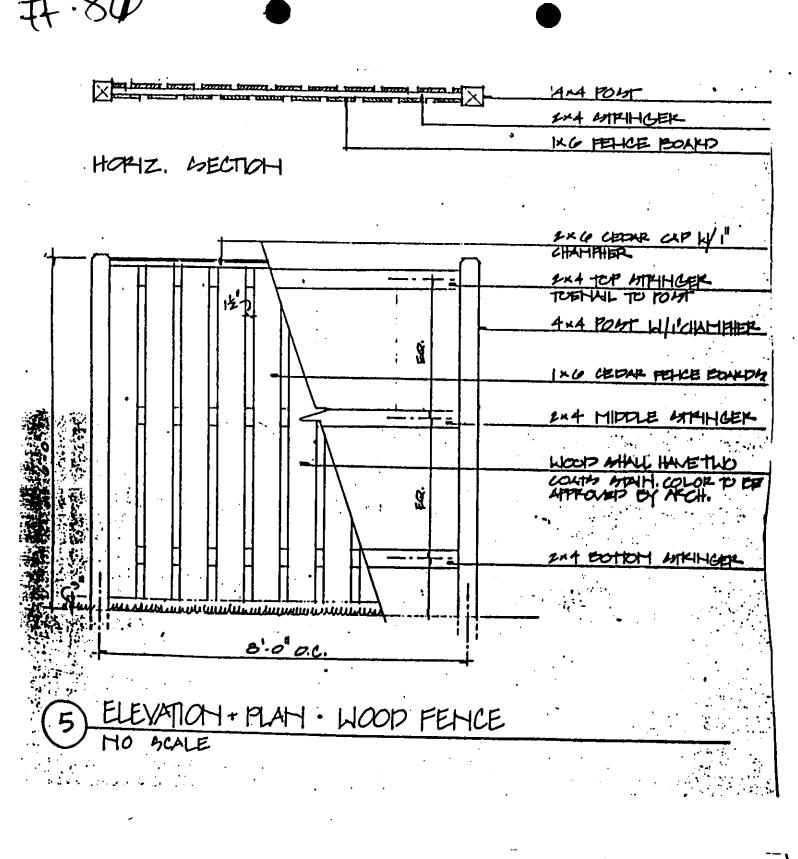
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesepeaks Avenue in Townon, Haryland 21204

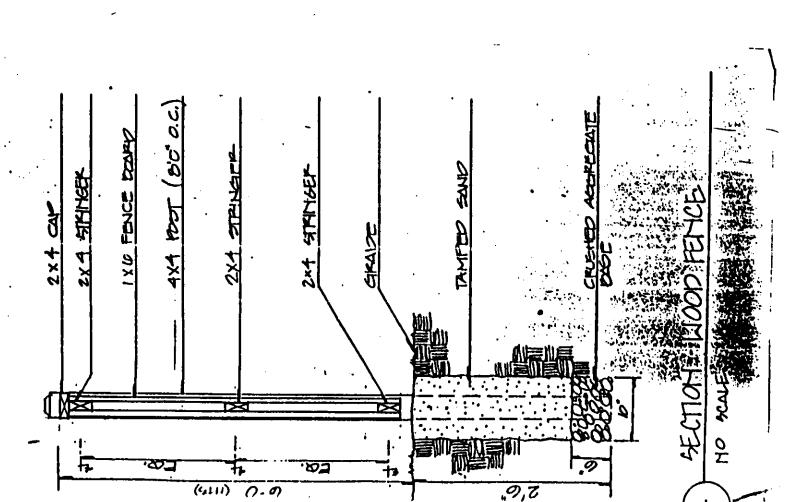
Room 118, Old Courthouse, 400 Washington Avenue, Touson, Heryland 21204 as follows:

CASE WURDER: 93-81-A (Item 81) W/S Gradin Avenue, 176' SE of Flannery Lane 5429 Gradin Avenue 2nd Election District - 2nd Councilmanic Petitioner(s): Edward Wright and Ceola Wright HEARING: WEDNESDAY, OCTOBER 14, 1992 at 10:00 a.m. in Rm. 118, 01d Courthouse.

Variance to allow an accessory structure (detached carport) to be located in the side yard in lieu of the required rear yard.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.





Baltimore County Government
Office of Zoning Administration and Development Management Office of Planning & Zoning

October 6, 1992

(410) 887-3353

Mr. & Mrs. Edward Wright 5429 Gradin Avenue Baltimore, MD 21207

111 West Chesapeake Avenue

Towson, MD 21204

RE: Item No. 81, Case No. 93-81-A Petitioner: Edward Wright, et ux Petition for Variance

Dear Mr. & Mrs. Wright:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: September 10, 1992

:	Arnold	Jablon,	Director	
	Zoning	Administ	retion and	

Development Management

FROM: Ervin Mc Daniel, Chief Office of Planning and Zening Development Review Section

SUBJECT: Petitions from Zoning Advisory Committee September 8, 1992

The Office of Planning and Zoning has no comments on the following petitions:

Terry and Joan Greenwood, Item No. 58 John Dietsch, Item No. 61 / Stephen and Diane Dansicher, Item No. 76 Edward and Francine Wickman, Item No. 77 Charles Berg and Willie Graves, Item No. 78 Edward and Ceola Wright, Team No. 01

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning at 887-3211.

Division Chief: EMcD/FM: rdn

ITEM58+/ZAC1

111 West Chesapeake Avenue

Towson, MD 21204

DPW/Traffic Engineering Development Review Committee Response Form Authorized signature ______ Date _____ Stonegate at Patapsco (Azreal Property) TE (Waiting for developer to submit plans first) Golden Ring Mall Company Limited Partnership DED DEPRM RP STP TE Happy Hollow Associates DED DEPRM STP RP TE Stephen M. and Diane A. Dansicker Edward L. and Francine M. Wickman Charles W. Berg And Willie D. Graves DED DEPRM RP STP TE DED DEPRM RP STP TE Daniel W. and Evelyn J. Eckert DED DEPRM RP STP TE Leonard Stoler DED DEPRM RP STP TE Edward and Ceola Wright DED DEPRM RP STP TE Edward K. and Diana J. Hensler DED DEPRM RP STP TE Marvin and Hild Zentner and Amir Aviram W/C

		ew Committee/Respon	·	Date 9-15-9
	Project Name	•	U	
File	Number	Waiver Number	Zoning Issue	Meeting Date
-	John Dietsc	h		
DED D	EPRM RP STP	TE	61	_9/8/92
222		######################################		******
DED D	EPRM STP RP	TE	75	ingreess
		and Diane A. Dansic		
DED D	EPRM RP STP '		76	NC
335		nd Francine M. Wick		
DED D	EPRM RP STP		77	- -
	*========	=======================================	=======================================	
DED -		Berg And Willie D.	78	
			=======================================	in process
V	Daniel W. ar	nd Evelyn J. Eckert	79	1/ 3
	EPRM RP STP :	· -	=======================================	NC
√	Leonard Stol	ler	80	/
	EPRM RP STP 1	re 		NC
/	Edward and (, /
DED D	EPRM RP STP 1	-	81	NIC
/===		nd Diana J. Hensler		: = = = = = = = = = = = = = = = = = = =
DED D	EPRM RP STP 1	re	82	NC
222		Hild Zentner and Am	_	************
DED D	EPRM RP STP 1	rE	83	in articles
李笔章	*******	*************	83888888888888888888	
COUNT	11			
FINAL	TOTALS			

Baltimore County Government Fire Department

700 East Joppa Road Suite 901
Towson, MD 21204-5500

SEPTEMBER 9, 1992

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: EDWARD WRIGHT AND CEOLA WRIGHT
Location: #5429 GRADIN AVENUE
Item No. 81 (JJS) Zoning Agenda: SEPTEMBER 8, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by

this Bureau and the comments below are applicable and required to be

corrected or incorporated into the final plans for the property.

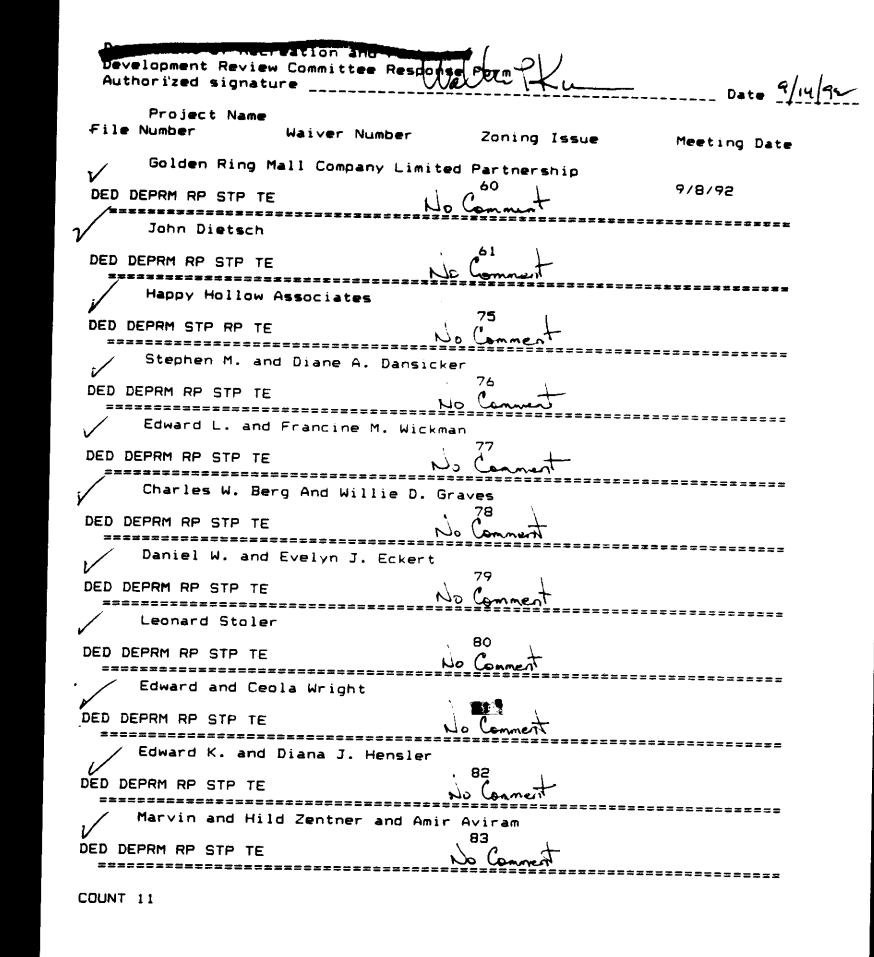
7. The Fire Prevention Bureau has no comments at this time.

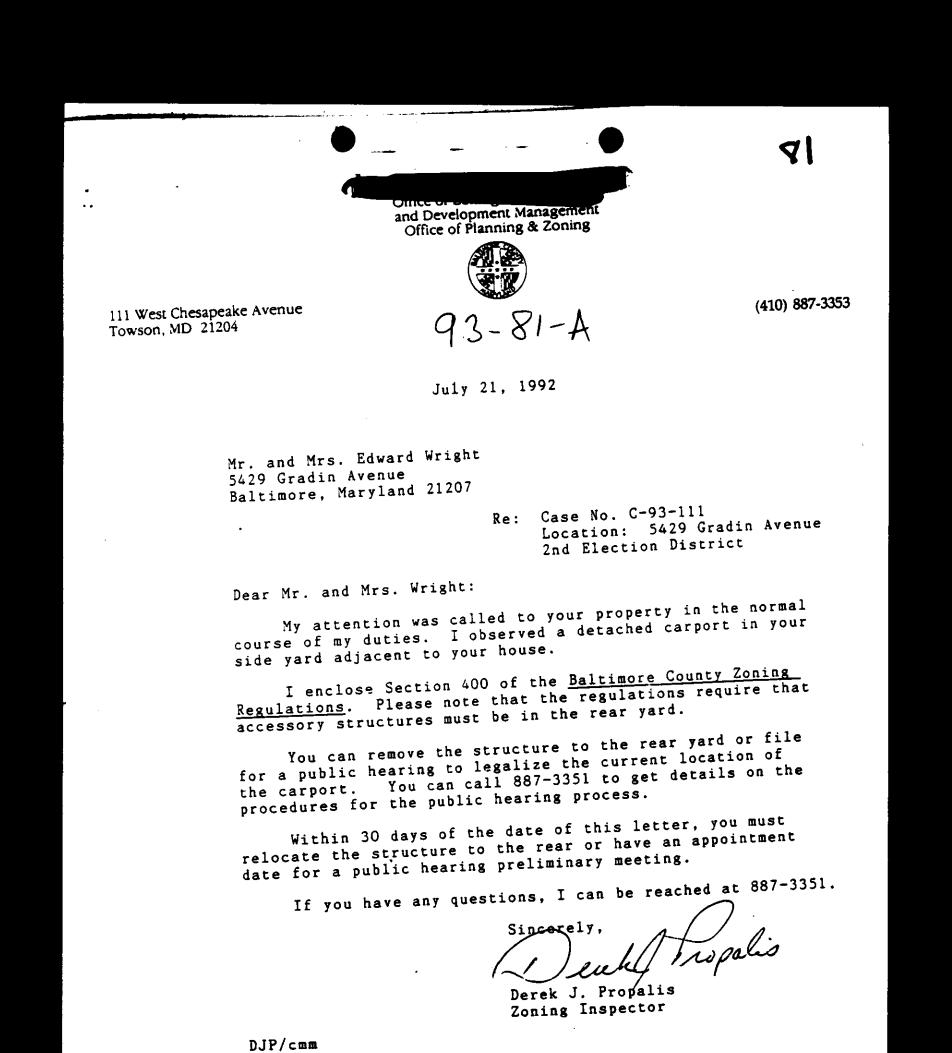
REVIEWER: Capt Planning Group Special Inspection Division

JP/KEK

SEP TO TROP

ZONNO MFICE





Enclosure

